

LAW OFFICES OF DEBORAH L. RAYMOND  
Deborah L. Raymond, SBN 173528  
445 Marine View Avenue, Suite 305  
Del Mar, CA 92014  
(858) 481-9559

Attorney For Plaintiffs, TIMOTHY LOSACCO and FLORENCE LOSACCO

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TIMOTHY LOSACCO, an individual;  
FLORENCE LOSACCO, an individual,

Plaintiffs,

vs.

FREMONT INVESTMENT & LOAN, a  
California corporation; and DOES 1-10,  
inclusive,

Defendant(s).

**Case No. 08cv0810JM (POR)**

**DECLARATION OF DEBORAH L.  
RAYMOND, ESQ. IN SUPPORT OF  
PLAINTIFFS' APPLICATION  
FOR TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION**

I, DEBORAH L. RAYMOND hereby declare:

1. I am an attorney duly admitted to practice law as a member of the State Bar of California and I am admitted to practices in the Southern District of California and all courts of the State of California. I am a sole practitioner with offices located at 445 Marine View Avenue, Suite 305, Del Mar, California 92014. The following declaration is based upon my personal knowledge such that if called as a witness, I could competently testify thereto.

3. I have been retained by Timothy Losacco and Florence Losacco ("Plaintiffs") to

1 represent them with regard to claims against Fremont Investment & Loan ("Fremont") relating to a  
2 loan transaction secured by Plaintiffs' principal residence entered into on or about July 17, 2006 (the  
3 "Transaction").

4 4. On February 14, 2008, I mailed a Qualified Written Request to Fremont Investment  
5 & Loan ("QWR 1"). A copy of QWR 1 that I mailed on February 14, 2008, along with copies of proof  
6 of delivery are herein attached and incorporated by referenced as Exhibit "A".

7 5. On March 5, 2008, I mailed a Notice of Rescission to Fremont. A copy of the  
8 Notice of Rescission that I mailed on March 5, 2008 is herein attached and incorporated by reference  
9 as Exhibit "B".

10 6. On May 8, 2008, I contacted Fremont in an attempt to either postpone the sale or  
11 cancel the sale while issues relating to Plaintiffs' rescission were addressed. I spoke with Becky  
12 Miller who identified herself as a representative of Fremont. Becky Miller stated that she was in the  
13 department of the Omsbudsman and she did not have the authority to postpone the sale. I requested  
14 that she send me to Fremont's legal department. Becky Miller informed me that if I emailed her a  
15 copy of the Complaint, she would give it to the legal department. After hanging up, I emailed a  
16 courtesy copy of the Complaint to [bmiller@fmtinv.com](mailto:bmiller@fmtinv.com). Becky Miller later left a voicemail message  
17 stating that she had given the Complaint to the legal department and the contact person is Maureen  
18 Barlow at 1-714-961-5282. I telephoned Maureen Barlow's number and left a message informing her  
19 of my intent to file an Application for a Temporary Restraining Order if the sale was not voluntarily  
20 postponed, and requested that she return my call at her earliest opportunity. I also telephoned  
21 Fremont and requested the facsimile number for the legal department and was given 1-714-431-1412.  
22 By 5:00 p.m. on May 8, 2008, I had not heard from Ms. Barlow.

23 7. I respectfully request that this Court issue an immediate TRO/Preliminary Injunction  
24  
25  
26

1 to prevent the imminent foreclosure sale of my clients' residence and give my clients the opportunity  
2 to have their claims heard on the merits.

3 I declare under penalty of perjury that the foregoing is true and correct to the best of  
4 my knowledge. Executed this 8<sup>th</sup> day of May 2008, at Del Mar, California.

5  
6 /s/ Deborah L. Raymond  
7 DEBORAH L. RAYMOND, ESQ.  
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Law Offices of Deborah L. Raymond

445 Marine View Avenue, Suite 305

Del Mar, CA 92014

Tel: 858-481-9559

Fax: 858-724-0747

February 14, 2008

SENT VIA FIRST CLASS CERTIFIED U.S. MAIL

Certified Receipt# 7007 1490 0001 7544 4348

7007 1490 0001 7544 4348

Fremont Investment & Loan  
P.O. Box 19030  
San Bernardino, CA 92423-9030

Re: Timothy & Florence Losacco  
Real Estate Loan No. 3000221234  
Property Address: 804 Begonia Street, Escondido, California 92027  
A QUALIFIED WRITTEN REQUEST PURSUANT TO 12 U.S.C. §2605

Dear Sir or Madam:

This office represents Timothy & Florence Losacco in their claims regarding the above referenced loan. Enclosed is a copy of a Letter of Designation And Authorization signed by my clients. **All further communications must be directed to this office only.** The debt associated with the above referenced real estate loan number is hereby disputed.

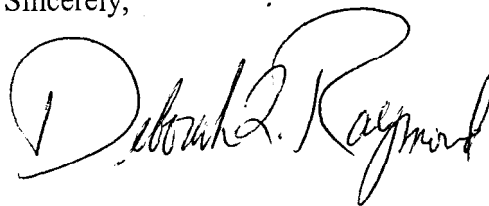
Pursuant to 12 U.S.C. §2605, A QUALIFIED WRITTEN REQUEST is hereby made for information regarding the origination and the servicing of the loan, including without limitation copies of all signed and/or unsigned versions of the following documents relating to the above referenced loan:

1. Notice of Right of Rescission or Notice of Right To Cancel;
2. HUD-1 Disclosure or closing statement;
3. Truth In Lending Act Disclosures;
4. The Entire Note;
5. Deed of Trust;
6. All riders to any of the above documents;
7. Disclosures pursuant to 15 U.S.C. §1639;

8. A History of Payments and other documents showing the loan disbursements, loan charges, payments made, and current principal balance due;
9. The Entire Loan Application File; and
10. All correspondence.

In addition, pursuant to 15 U.S.C. §1641(f)(2), request is hereby made for the name, address, and telephone number of the master servicer, the mortgage holder, the loan holder, and the owner of the loan secured by the property referenced above.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah L. Raymond". The signature is fluid and cursive, with a large initial "D" and "R".


Deborah L. Raymond  
Attorney At Law

enclosure;

We, Timothy and Florence Losacco hereby request information regarding the origination and the servicing of our real estate loan, real estate loan number 3000221234. Please forward all information to our attorney.

Date: 1-30-08

  
\_\_\_\_\_  
Timothy Losacco

  
\_\_\_\_\_  
Florence Losacco

## Law Offices of Deborah L. Raymond

380 Stevens Avenue, Suite 205

Solana Beach, CA 92075

Tel: 858-481-9559

Fax: 858-724-0747

### LETTER OF DESIGNATION AND AUTHORIZATION

To Whom It May Concern:

Re: Timothy Losacco and Florence Losacco / 804 Begonia Street, Escondido, CA 92806

Please be advised that I have retained the Law Offices of Deborah L. Raymond to represent my interests. I hereby authorize the Law Offices of Deborah L. Raymond to represent my interests, including, but not limited to, communicating, negotiating, and otherwise dealing with my loan, previously or currently held by Freemont Investment & Loan, and all parties associated with said loan, including without limitation, Mortgage Works, Lawyers Title Company, assigns, creditors, collectors, collection agencies, credit reporting agencies, attorneys, and all Federal, State, and local government agencies, as may be required in her representation of me. Except, this authorization does not authorize the Law Offices of Deborah L. Raymond to accept service of any summons and/or complaint on my behalf.

Also, by signing below, I authorize any credit reporting agencies, credit reporting bureaus, collector, creditor, doctor, chiropractor, hospital, any other healthcare provider, employer, police agency, government agency, or any other person to whom a signed photocopy or facsimile of this authorization is delivered, to furnish any information, documents, reports or copies of records which may be requested by the Law Offices of Deborah L. Raymond.

Date: 11/15/07

Signed: 

Date: 11/15/07

Signed: 

EXHIBIT "A"


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## Track & Confirm

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American Revolution

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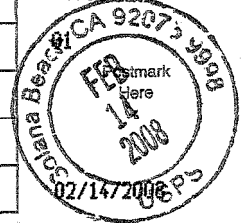
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Certified Fee		\$2.65
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.06

0075



Sent To

Freemont Investment & Loan

Street, Apt. No.,  
or PO Box No.

P.O. Box 19030

City, State, ZIP+4

San Bernardino CA 92423-9030

PS Form 3800, August 2006

See Reverse for Instructions

EXHIBIT "A"

## Law Offices of Deborah L. Raymond

445 Marine View Avenue, Suite 305

Del Mar, CA 92014

Tel: 858-481-9559

Fax: 858-724-0747

March 5, 2008

SENT VIA FIRST CLASS CERTIFIED U.S. MAIL

Certified Receipt# 7007 1490 0003 2626 3521

7007 1490 0003 2626 3521

Fremont Investment & Loan

1065 N. Pacificcenter Drive

Anaheim, CA 92806

Funding Dept. Attn: Funding Manager

SENT VIA FIRST CLASS CERTIFIED U.S. MAIL

Certified Receipt# 7007 1490 0003 2626 3538

7007 1490 0003 2626 3538

Fremont Investment & Loan

P.O. Box 19030

San Bernardino, CA 92423-9030

Re: Timothy Losacco and Florence Losacco

Real Estate Loan No. 3000221234

Property Address: 804 Begonia Street, Escondido, California 92027

NOTICE OF RESCISSION OF MORTGAGE/LOAN HELD BY FREMONT  
INVESTMENT & LOAN

A QUALIFIED WRITTEN REQUEST PURSUANT TO 12 U.S.C. §2605

Dear Sir or Madam:

This office represents Timothy Losacco and Florence Losacco in their claims against Fremont Investment & Loan, and its assigns, servicers, agents, principals, subsidiaries and/or the holder/owner of the note for the above referenced loan (hereinafter referred to as "Creditor"). Enclosed is a copy of a Letter of Designation And Authorization signed by my client. All further communications must be directed to this office only. The debt associated with the above referenced real estate loan number is hereby disputed.

**NOTICE OF RESCISSION OF MORTGAGE**

Page 1 of 4

**EXHIBIT "B"**

Consumers, Timothy Losacco and Florence Losacco (hereinafter referred to as "Consumer"), base the following upon the understanding that Creditor is subject to the Truth In Lending Act (hereinafter "TILA"), and hereby exercise his rights under the Truth In Lending Act (15 U.S.C. §1601 et seq.), Regulation Z (12 C.F.R. § 226.1 et seq.), and related statutes and California state laws, which may include, without limitation, RESPA and California Finance Lenders laws, to rescind the above referenced loan. Without limitation, Consumer bases his right to rescind upon the fact that required disclosures pursuant to 15 USC §1601 et seq. were not provided to the Consumer, including but not limited to, two copies of a Notice of Right To Cancel containing all required information.

We are prepared to discuss a tender obligation, should it arise, and satisfactory ways in which my clients may meet this obligation. Please be advised that if you do not cancel the security interest and return all consideration paid by my client within 20 days of receipt of this letter, you could be responsible for actual and statutory damages pursuant to 15 U.S.C. § 1640(a).

Additionally, pursuant to 15 U.S.C. § 1641(f)(2) and 12 U.S.C. § 2605, A QUALIFIED WRITTEN REQUEST is hereby made for the name, address, and telephone number of the master servicer, all the mortgage holders, all the note/loan holders, and all the owners of the loan described above. Furthermore, A QUALIFIED WRITTEN REQUEST is made for all signed and/or unsigned copies of the following documents, if they exist, relating to the above referenced loan:

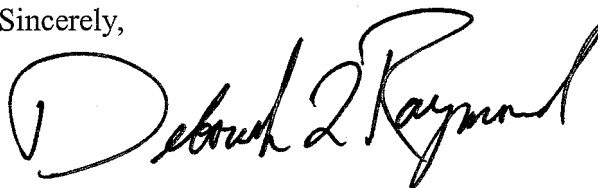
1. All Notices of Right to Cancel;
2. HUD-1 Disclosure;
3. Truth In Lending Act Disclosures;
4. The Entire Note;
5. Deed of Trust;
6. All riders to any of the above documents;
7. Disclosures pursuant to 15 U.S.C. §1639;
8. A History of Payments and other document showing the loan disbursements, loan charges, payments made, and current principal balance due;
9. The Entire Loan Application File; and
10. All correspondence.

Demand is hereby made for verification of the alleged debt. Request is also made for an immediate written description of all information, data, or other documentation that you believe would disprove that this loan is in violation of TILA, RESPA, and/or California Finance Lenders laws and subject to rescission.

If you are not currently the holder/owner of the loan, we hereby request that you immediately forward this Notice of Rescission to the holder/owner of the loan.

Be advised that any action taken against my clients, including but not limited to any collection actions, any recording of any foreclosure instrument, including any Notice of Trustee's Sale, or any other foreclosure action which violates federal and/or state laws will be construed as willful and malicious actions, and will be extremely injurious to my clients.

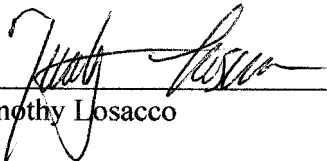
Sincerely,

A handwritten signature in black ink, appearing to read "Deborah L. Raymond". The signature is fluid and cursive, with a large initial "D" and "R".


Deborah L. Raymond  
Attorney for Timothy & Florence Losacco

**WE HEREBY RESCIND/CANCEL THE LOAN TRANSACTION RELATING TO  
FREMONT INVESTMENT & LOAN REAL ESTATE LOAN NUMBER 3000221234.** A  
signed photocopy, PDF, or facsimile of this Rescission/Cancellation shall have the same force  
and/or effect as a signed original.

Dated: 2-29-08

  
\_\_\_\_\_  
Timothy Losacco

Dated: 2/29/08

  
\_\_\_\_\_  
Florence Losacco

## Law Offices of Deborah L. Raymond

380 Stevens Avenue, Suite 205

Solana Beach, CA 92075

Tel: 858-481-9559

Fax: 858-724-0747

### LETTER OF DESIGNATION AND AUTHORIZATION

To Whom It May Concern:

Re: Timothy Losacco and Florence Losacco / 804 Begonia Street, Escondido, CA 92806

Please be advised that I have retained the Law Offices of Deborah L. Raymond to represent my interests. I hereby authorize the Law Offices of Deborah L. Raymond to represent my interests, including, but not limited to, communicating, negotiating, and otherwise dealing with my loan, previously or currently held by Freemont Investment & Loan, and all parties associated with said loan, including without limitation, Mortgage Works, Lawyers Title Company, assigns, creditors, collectors, collection agencies, credit reporting agencies, attorneys, and all Federal, State, and local government agencies, as may be required in her representation of me. Except, this authorization does not authorize the Law Offices of Deborah L. Raymond to accept service of any summons and/or complaint on my behalf.

Also, by signing below, I authorize any credit reporting agencies, credit reporting bureaus, collector, creditor, doctor, chiropractor, hospital, any other healthcare provider, employer, police agency, government agency, or any other person to whom a signed photocopy or facsimile of this authorization is delivered, to furnish any information, documents, reports or copies of records which may be requested by the Law Offices of Deborah L. Raymond.

Date: 11/15/07

Signed: 

Date: 11/15/07

Signed: 

EXHIBIT "B"



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Restricted Delivery Fee (Endorsement Required)		\$0.00			
Total Postage & Fees	\$	\$3.06			
<div style="text-align: right;"> </div>					
Sent To <i>Fremont Investment &amp; Loan</i>					
Street Apt. No. or PO Box No. <i>P.O. Box 19030</i>					
City, State, ZIP+4 <sup>®</sup> <i>San Bernardino, CA 92423-9030</i>					
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Total Postage & Fees	\$	\$3.06		03/05/2008	
Sent To: Fremont Investment & Loan					
Street, Apt. No., or PO Box No. 1065 N. Pacifica Drive					
City, State, ZIP+4 Anaheim, CA 92806					
Funding Dept. Attn: Funding Manager					

PS Form 3800, August 2006

See Reverse for Instructions

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